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400 COLONY SQUARE, SUITE 1200
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ATLANTA GA 30361

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OFFICE OF PETITIONS

In re Patent No. 6,908,623	:
Issue Date: June 21, 2005	: DECISION ON PETITION
Application No. 10/717,251	: UNDER 37 CFR 1.78(a)(3)
Filed: November 19, 2003	:
Attorney Docket No. PSU1813CON(2)	:

This is a decision on the petition under 37 CFR 1.78(a)(3), filed June 21, 2007, to accept an unintentionally delayed claim under 35 U.S.C. §120 for the benefit of priority to prior-filed nonprovisional Application No. 08/810,275, filed March 3, 1997.

The petition under 37 CFR 1.78(a)(3) is **DISMISSED**.

A petition for acceptance of a claim for late priority under 37 CFR 1.78(a)(3) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after the expiration of the period specified in 37 CFR 1.78(a)(2)(ii). In addition, the petition under 37 CFR 1.78(a)(3) must be accompanied by:

- (1) the reference required by 35 U.S.C. § 120 and 37 CFR 1.78(a)(2)(i) of the prior-filed application, unless previously submitted;
- (2) the surcharge set forth in § 1.17(t); and
- (3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(2)(ii) and the date the claim was filed was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional.

Application no. 10/171,251 which was filed after November 29, 2000, matured into Patent No. 6,908,623 on June 21, 2005. The claim for the benefit of priority to a prior-filed nonprovisional application was submitted after expiration of the period specified in 37 CFR 1.78(a)(2)(ii). Therefore, this is a proper petition under 37 CFR 1.78(a)(3).

The petition does in not compliance with the requirements for a grantable petition under 37 CFR 1.78(a)(3) in that (1) a reference to the above-noted, prior-filed nonprovisional application has not been included in a certificate of correction and (2), the certificate of

correction fee has not been submitted. Thus, the instant petition for acceptance of an unintentionally delayed claim for the benefit of priority under 35 U.S.C. § 120 to the above-noted, prior-filed nonprovisional application does not satisfy the conditions of 37 CFR 1.78(a)(3).

Before the petition under 37 CFR § 1.78(a)(3) can be granted, a renewed petition and a certificate of correction and appropriate fee will need to be submitted.

Further correspondence with respect to this matter should be addressed as follows:

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 Alexandria, VA 22313-1450

By hand: Customer Service Window
 Mail Stop Petitions
 Randolph Building
 401 Dulany Street
 Alexandria, VA 22314

By fax: (571) 273-8300
 ATTN: Office of Petitions

Any questions concerning this matter may be directed to Senior Petitions Attorney Patricia Faison-Ball at (571) 272-3212.


Anthony Knight
Supervisor
Office of Petitions



6/25/07

DAE

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Daniel R. Deaver, David A. Edwards, and Robert S. Langer

Reissue of: U.S. Patent No. 6,908,623 Express Mail No: EM 104577233 US

Filed: June 21, 2007 Date of Deposit: June 21, 2007

For: COMPOSITIONS AND METHODS FOR ENHANCING RECEPTOR-MEDIATED CELLULAR INTERNALIZATION

RECEIVED

JUN 29 2007

OFFICE OF PETITIONS

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**PETITION UNDER 37 C.F.R. § 1.78(a)(3) TO ACCEPT AN
UNINTENTIONALLY DELAYED PRIORITY CLAIM**

Sir:

Applicant hereby petitions the Commissioner to accept the unintentionally delayed priority claim described herein. An amendment to the specification to include the complete priority claim and an Application Data Sheet, which includes the complete priority claim, are included with this petition.

The application as originally filed provided an incomplete priority claim, inadvertently omitting that the original application was also a continuation-in-part of U.S. Serial No.08/810,275 filed on March 3, 1997 (now U.S. Patent No. 5,985,320, issued

06/26/2007 HEARZ11 00000075 503129 10717251
91 FC:1454 13/8.00 DA

Reissue of U.S. Patent No. 6,908,623

Filed: June 21, 2007

PETITION UNDER 37 C.F.R. 1.78(a)(3)

TO ACCEPT AN UNINTENTIONALLY DELAYED PRIORITY CLAIM

November 16, 1999), which claims priority to U.S. provisional application Serial No.

60/012,721 filed March 4, 1996.

The entire delay between the date the claim was due under 37 C.F.R.

§ 1.78(a)(2)(ii) and the date the claim was filed was unintentional.

The Commissioner is authorized to charge the fee under 37 C.F.R. § 1.17(t) of \$1,370.00 to Deposit Account No. 50-3129.

It is believed that no additional fee is required with this submission. However, should an additional fee be required, the Commissioner is hereby authorized to charge the fee to Deposit Account No. 50-3129.

Respectfully submitted,



Rivka D. Monheit

Reg. No. 48,731

Date: June 21, 2007

PABST PATENT GROUP LLP
400 Colony Square, Suite 1200
1201 Peachtree Street
Atlanta, Georgia 30361
(404) 879-2152 (Telephone)
(404) 879-2160 (Fax)



US006908623B2

(12) **United States Patent**
Deaver et al.

(10) Patent No.: **US 6,908,623 B2**
(45) Date of Patent: ***Jun. 21, 2005**

(54) **COMPOSITIONS AND METHODS FOR
ENHANCING RECEPTOR-MEDIATED
CELLULAR INTERNALIZATION**

(75) Inventors: **Daniel R. Deaver, Franklin, MA (US);
David A. Edwards, Boston, MA (US)**

(73) Assignee: **The Penn State Research Foundation,
University Park, PA (US)**

(*) Notice: Subject to any disclaimer, the term of this
patent is extended or adjusted under 35
U.S.C. 154(b) by 0 days.

This patent is subject to a terminal dis-
claimer.

(21) Appl. No.: **10/717,251**

(22) Filed: **Nov. 19, 2003**

(65) **Prior Publication Data**

US 2004/0106542 A1 Jun. 3, 2004

Related U.S. Application Data

(63) Continuation of application No. 10/120,940, filed on Apr.
10, 2002, now Pat. No. 6,652,873, which is a continuation
of application No. 09/412,821, filed on Oct. 5, 1999, now
Pat. No. 6,387,390.

(60) Provisional application No. 60/103,117, filed on Oct. 5,
1998.

(51) Int. Cl.⁷ **A61F 2/02; A61F 13/02;
A61K 9/48; A61K 9/20; A61K 9/14**

(52) U.S. Cl. **424/423; 424/434; 424/435;
424/451; 424/464; 424/489**

(58) Field of Search **424/423, 434,
424/435, 451, 464, 489**

(56) **References Cited**

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5,985,320 A 11/1999 Edwards et al. 424/450
6,652,873 B2 11/2003 Deaver et al. 424/423

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4(2):95-102 (1987).

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bilayer membranes," *Biophys. J.* 71(3):1208-14 (1996).

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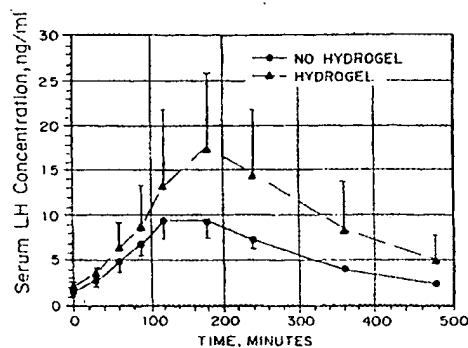
Primary Examiner—Carlos A. Azpuru

(74) Attorney, Agent, or Firm—Pabst Patent Group LLP

(57) **ABSTRACT**

Compositions and methods for improving cellular internal-
ization of one or more compounds are disclosed. The
compositions include a compound to be delivered and a
biocompatible viscous material, such as a hydrogel, lipogel,
or highly viscous sol. The composition also include, or are
administered in conjunction with, an enhancer in an amount
effective to maximize expression of or binding to receptors
and enhance RME of the compound into the cells. This leads
to high transport rates of compounds to be delivered across
cell membranes, facilitating more efficient delivery of drugs
and diagnostic agents. Compositions are applied topically
orally, nasally, vaginally, rectally, and ocularly. The
enhancer is administered with the composition or separately,
either systemically or preferably locally. The compound to
be delivered can also be the enhancer.

16 Claims, 5 Drawing Sheets



Continuation of U.S.S.N. 10/120,940
Filed: November 19, 2003
PRELIMINARY AMENDMENT
Express Mail Label No EL 717 747 255 US
Date of Deposit: November 19, 2003

In the specification

On page 1, please amend the paragraph at lines 5-6 as follows:

~~Priority is claimed~~ This application is a continuation of U.S. Serial No. 10/120,940, filed April 10, 2002, which is a continuation of U.S. Serial No. 09/412,821, filed October 5, 1999 (now U.S. Patent No. 6,387,390), which claims priority to U.S. provisional application Serial No. 60/103,117, filed October 5, 1998.



US 2004/0106542A1

(19) **United States**

(12) **Patent Application Publication** (10) **Pub. No.: US 2004/0106542 A1**
(43) **Pub. Date:** **Jun. 3, 2004**

(54) **COMPOSITIONS AND METHODS FOR
ENHANCING RECEPTOR-MEDIATED
CELLULAR INTERNALIZATION**

(60) Provisional application No. 60/103,117, filed on Oct.
5, 1998.

Publication Classification

(75) Inventors: **Daniel R. Deaver, Franklin, MA (US);
David A. Edwards, Boston, MA (US)**

(51) **Int. Cl.⁷** **A61K 38/23; A61K 48/00;
A61K 31/573; A61K 31/715;
A61K 31/56**

Correspondence Address:
**PATREA L. PABST
HOLLAND & KNIGHT LLP
SUITE 2000, ONE ATLANTIC CENTER
1201 WEST PEACHTREE STREET, N.E.
ATLANTA, GA 30309-3400 (US)**

(52) **U.S. Cl.** **514/2; 514/44; 514/54; 514/179**

(73) Assignee: **The Penn State Research Foundation**

(57) **ABSTRACT**

(21) Appl. No.: **10/717,251**

(22) Filed: **Nov. 19, 2003**

Related U.S. Application Data

(63) Continuation of application No. 10/120,940, filed on
Apr. 10, 2002, now Pat. No. 6,652,873, which is a
continuation of application No. 09/412,821, filed on
Oct. 5, 1999, now Pat. No. 6,387,390.

Compositions and methods for improving cellular internalization of one or more compounds are disclosed. The compositions include a compound to be delivered and a biocompatible viscous material, such as a hydrogel, lipogel, or highly viscous sol. The composition also include, or are administered in conjunction with, an enhancer in an amount effective to maximize expression of or binding to receptors and enhance RME of the compound into the cells. This leads to high transport rates of compounds to be delivered across cell membranes, facilitating more efficient delivery of drugs and diagnostic agents. Compositions are applied topically orally, nasally, vaginally, rectally, and ocularly. The enhancer is administered with the composition or separately, either systemically or preferably locally. The compound to be delivered can also be the enhancer.

Continuity/Reexam Information for 10/717251

Parent Data

10717251, filed 11/19/2003

is a continuation of 10120940, filed 04/10/2002

Which is a continuation of 09412821, filed 10/05/1999

Which Claims Priority from Provisional Application 60103117, filed 10/05/1998

Child Data

11154067, filed on 06/14/2005 is a continuation of 10717251, filed on 11/19/2003

11821514, filed on 06/21/2007 is a reissue of 10717251, filed on 11/19/2003

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Application Number Information

Application Number: 10/717251

Examiner Number: 66935 / AZPURU, CARLOS

Assignments

Filing or 371(c) Date: 11/19/2003 eDan

Group Art Unit: 1615

IFW Madras

Effective Date: 11/19/2003

Class/Subclass: 424/453.000

Application Received: 11/20/2003

Lost Case: NO

Pat. Num./Pub. Num: 6908623/20040106542

Interference Number:

Issue Date: 06/21/2005

Unmatched Petition: NO

Date of Abandonment: 00/00/0000

L&R Code: Secrecy Code: 1

Attorney Docket Number: PSU 1813 CON
(2)

Third Level Review: NO

Secrecy Order: NO

Status: 150 /PATENTED CASE

Status Date: 06/01/2005

Confirmation Number: 7737

Oral Hearing: NO

Title of Invention: COMPOSITIONS AND METHODS FOR ENHANCING RECEPTOR-MEDIATED CELLULAR INTERNALIZATION

Bar Code	PALM Location	Location Date	Charge to Loc	Charge to Name	Employee Name	Location
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Appln
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